of the New York rule is that the parent is the agent of the child and for that reason imputes the negligence of the parent to the child. But any such theory of agency must rest, not on fact but on a pure fiction of law. To construct such an agency here does the child an injustice and does not accord with the usual solicitude and protection with which the law favors infants. The principal case is in accord with reason and the weight of authority.

NEGLIGENCE—VIOLATION OF STATUTE OR ORDINANCE—"NEGLIGENCE PER SE."—BEAVER V. MASON, EHRMAN & CO., 143 PAC. (ORE.) 1000.—Under a statute forbidding the employment of persons under eighteen years of age in the operation of elevators, *held,* that a violation of such statute constitutes "negligence per se," and the employer is liable, as a matter of law, for a death resulting from such unlawful employment.

This doctrine, in so far as recognized at all, applies only to regulations protective either of persons or property. *Zimmerman v. Baur,* 11 Ind. App. 607. Its operation is limited to the benefit of those persons or things which the regulation is designed to protect. *Gay v. Essex Electric St. R. Co.,* 159 Mass. 238 (case of trespasser); *Woodruff v. Bowen,* 136 Ind. 431; *Williams v. Chicago, etc., R. Co.,* 155 Ill. 491. No conflict arises when the act expressly awards damages to the party injured by the breach. *Kelley v. Anderson,* 15 S. Dak. 107. By the preponderance of authority the same effect is given in the absence of such a provision. *Smith v. Milwaukee Builders' and Traders' Exchange,* 91 Wis. 360; *Karle v. R. R. Co.,* 55 Mo. 476; *Queen v. Dayton Coal & Iron Co.,* 95 Tenn. 458; *Osborne v. VanDyke,* 113 Iowa 557. Identical in effect, though not in language, are numerous cases allowing a recovery as a matter of law, without raising the question of negligence. *Wilby v. Mulledy,* 78 N. Y. 310; *Aldrich v. Howard,* 7 R. I. 199. If, however, a *qui tam* penalty is provided, this is construed to exclude the action on the case. *Brattleboro v. Wait,* 44 Vt. 459. When a regulation is intended for the protection of the general public, a few cases illogically refuse the remedy to an individual member of the general public specially damaged. *Taylor v. Lake Shore, etc., R. Co.,* 45 Mich. 74. An important line of authorities treat the violation of a statute or ordinance as constituting merely a *prima facie* case of negligence. *U. S. Brewing Co. v. Stoltenberg,* 113 Ill. App. 435. Others regard it as merely competent and important evidence. *Knupfle v. Knickerbocker Ice Co.,* 84 N. Y. 488. In the majority of these cases the courts are not called upon to go farther than this in behalf of the plaintiff. *Carrigan v. Stillwell,* 97 Me. 247; *Siddall v. Jansen,* 168 Ill. 43. In one state the breach of law is merely competent corroborative evidence. *Foote v. American Product Co.,* 195 Pa. St. 190. Under these views there is apparently no liability if the defendant was, without fault, destitute of the means of performance. *Weise v. Tate,* 45 Ill. App. 626. Or if a reasonably prudent man would have disregarded the regulation under the circumstances. *Riegert v. Thackery,* 212 Pa. St. 86. All of these doctrines obviously apply equally to the question of contributory negligence of a plaintiff. *McCambley v. Staten I., etc., Co.,* 32 App. Div. (N. Y.) 346.